

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)	
)	DOCKET NO. 1:22 CR 8
v.)	
)	FACTUAL BASIS
MICHAEL IRVIN HUGHES)	
_____)	

NOW COMES the United States of America, by and through Dena J. King, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime. The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

United States Drug Enforcement Administration ("DEA") Task Force Officer ("TFO") Jamie Mode, who is also employed by the Rutherford County Sheriff's Office ("RCSO"), received information that state probationer "RJ" was selling large amounts of methamphetamine ("meth") out of his residence at 125 Lark Lane in Forest City, North Carolina. RJ was on state probation and subject to warrantless searches as a condition of his probation. TFO Mode passed the information along to Detective Dylan Radford of the Forest City Police Department ("FCPD") on August 23, 2021. TFO Mode also contacted North Carolina Probation and Parole ("Probation") Officer Jennifer Shelton who supervises RJ.

On August 25, 2021, the FCPD and the RCSO assisted Probation in searching the 125 Lark Lane residence. More specifically, Probation, led by Probation Officer Shelton, approached the residence by themselves to initiate contact and obtain consent to search the residence. They encountered multiple individuals that were on state probation. They eventually encountered RJ in an outbuilding. RJ consented to a search of his residence. Probation Officer Shelton approached the residence to speak with RJ's aunt, "PC" about the warrantless search since she resided there as well. MICHAEL IRVIN HUGHES ("HUGHES") answered the door. He went and got PC. PC consented

to a search of the residence as well. Once consent was obtained and Probation was ready to begin its search, the assisting agencies moved in. They and Probation cleared the residence. HUGHES was found in the rear back bedroom during that process.

TFO Mode asked HUGHES for consent to search his person. HUGHES gave verbal consent and \$2,020 in United States currency was found in his left pants pocket. TFO Mode and FCPD Detective Radford conducted a brief interview with HUGHES, in which HUGHES admitted to having a bedroom at the residence. Investigators obtained verbal consent from HUGHES to search his bedroom. While talking with HUGHES, the investigators asked him what was in the bedroom. HUGHES shook his head and look down. HUGHES said "I'm going to jail today." RCSO Sgt. Tyler Greene and Detective Dylan Henderson searched HUGHES' bedroom. They found, among other things, 3 large plastic Ziploc bags containing meth, several smaller bags containing meth, a bag containing additional U.S. currency, and a set of digital scales. The total amount of meth seized from HUGHES' bedroom was **506.7 grams**. HUGHES possessed the meth with the intent to distribute it to others.

Consent to search HUGHES' vehicle at the residence, a Kia Sorento, was also obtained from HUGHES. Detective Jarrett Guffey of the RCSO and FCPD Detective Radford searched the vehicle. Detective Guffey noticed a zipper was pulled away from the second-row driver's side seat and advised Detective Radford. Upon unzipping the fabric, Detective Guffey observed a black box that was placed into the seat foam. He removed the box and found a plastic Ziploc bag containing a large quantity of meth in the box. There were also 3 stacks of U.S. currency wrapped with rubber bands. As the search continued, Detective Radford found another large quantity of meth in a speaker box in HUGHES' vehicle. The total amount of meth seized from HUGHES' vehicle was **1,110.3 grams**. HUGHES possessed the meth with the intent to distribute it to others. The total amount of U.S. currency seized from HUGHES, his bedroom and his vehicle was \$14,197.

TFO Mode and Detective Radford interviewed HUGHES at the RCSO on August 27, 2021. The interview was recorded and HUGHES was advised of his *Miranda* rights prior to the interview. After waiving his rights in writing, HUGHES admitted that all of the meth located in his bedroom and vehicle, as well as the U.S. currency found, was his. HUGHES admitted that he sells the meth for \$400 per ounce. Using the price HUGHES resells each ounce of meth for and considering \$14,197 seized, HUGHES is responsible for another 35.49 ounces or **1,004.36 grams of meth**. HUGHES was arrested for, among other things, Trafficking Meth and Possession with Intent to Manufacture, Sell or Deliver a Schedule II Controlled Substance.

HUGHES made bond on October 14, 2021. On December 12, 2021, FCPD Sgt. JB Moore conducted a traffic stop on College Avenue in Forest City. There was meth in the vehicle. Detective Radford responded to the scene and the passenger cooperated (hereinafter the "CI"). The CI stated that HUGHES was making trips to Georgia to buy large quantities of meth. That same day, FCPD Sgt. Keeter conducted a traffic stop on College Avenue in Forest City. The driver (hereinafter "CI2"), who cooperated, had a small amount of meth. CI2 also stated that HUGHES was making trips to Georgia to purchase meth and was selling large quantities of meth.

On January 3, 2022, having received information that HUGHES was in possession of a large quantity of meth, investigators began watching the 125 Lark Lane residence in Forest City where HUGHES still resided. Detective Radford observed a Pontiac Bonneville leaving the residence.

HUGHES was a passenger in the vehicle. At the time, HUGHES had an active child support warrant. Detective Radford attempted to stop the Pontiac, but it did not stop. Another FCPD unit driven by Sgt. Aaron Boyd was able to get behind the Pontiac and observed a traffic infraction. He could see the passenger (HUGHES) motioning for the driver to keep driving. The Pontiac stopped after ½ mile in the vicinity of Beaver Street and Valleyview Drive after a brief pursuit. The driver was “MC.” Both MC and HUGHES were detained and removed from the vehicle. A K-9, “Thor,” was used to conduct a free-air sniff around the exterior of the vehicle by FCPD K9 Officer Mark McCracken. Thor alerted to the odor of narcotics emanating from the vehicle.

A search of HUGHES led to the seizure of \$5,685.20 and 5.57 grams of meth from his person. Detective Radford, Sgt. Boyd and Police Officer Josh French of the FCPD then conducted a probable cause search of the vehicle. Detective Radford found another \$1,319 in U.S. currency on top of the center console for a total of \$7,004.20 in U.S. currency seized. Police Officer French found a black book bag on the floorboard for the front passenger seat where HUGHES had been seated. It contained a gallon sized Ziploc bag containing approximately 1 pound of meth, a quart sized Ziploc bag containing smaller bags of meth that contained a total of approximately 4 ounces of meth, and multiple empty Ziploc bags.

Police Officer French also found a leather case in the back seat that contained a Walther, Model P22, .22 caliber semi-automatic pistol loaded with 9 rounds of ammunition; a Walther, model PK380, .380 caliber semi-automatic pistol; a small zippered case containing approximately 1.3 ounces of meth, and a larger bag containing, among other things, a set of digital scales. Finally, Police Officer French found a Smith & Wesson, Model M&P 9 Shield, 9mm caliber semi-automatic pistol loaded with 9 rounds of ammunition in a box in the trunk. The total quantity of meth seized from HUGHES and the vehicle was **616.44 grams**. HUGHES possessed the meth with the intent to distribute it to others. At the scene of the traffic stop HUGHES made the statement that everything in the vehicle was his. That statement was recorded on an officer’s body worn camera. Using the price HUGHES resells each ounce of meth for and considering the \$7,004.20 seized, HUGHES is responsible for another 17.51 ounces or **495.53 grams of meth**.

TFO Mode and other officers then went to the 125 Lark Lane residence to secure the residence in anticipation of obtaining a search warrant for the residence. The homeowner, PC, was once again present and consented to a search of the residence. At the same time, at the traffic stop, HUGHES was asked for consent to search his bedroom at the residence by Detective Radford. HUGHES gave consent. PC stated that what they were looking for was in a red and black book bag on a couch in the living room. HUGHES was transported to the residence where he would be able to revoke consent at any time. A search of the residence resulted in the seizure of **47.7 grams of meth** from the book bag on the couch identified by PC. PC admitted that the 47.7 grams of meth belonged to her, but told investigators that she obtained it from HUGHES. Investigators also found plastic bags and another set of digital scales in HUGHES’ bedroom. Most of the plastic bags contained meth residue. The residue from the bags was collected and combined – accounting for another **3.8 grams of meth**, which was part of the meth HUGHES possessed with the intent to distribute to others.

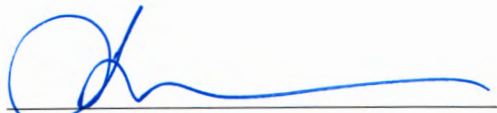
Investigators, with information obtained from jail calls made by HUGHES after his August of 2021 arrest, believed that HUGHES might be storing a large quantity of meth at a nearby storage unit. Investigators traveled to the storage units located at 946 West Main Street in Forest City, North

Carolina. Detective Radford asked the storage unit manager if he knew HUGHES. The storage unit manager stated that he did know HUGHES and that HUGHES was using a storage unit under the name of another individual. "CE." The manager identified the unit as unit #26. Detective Radford asked the manager for consent to run a K-9 down the entire row of units to sniff for narcotics. Consent was obtained. K9 Officer McCracken had not been told which unit was being used by HUGHES. Thor conducted an open-air sniff of the entire row of storage units. Thor showed a change in behavior that was indicative of him smelling an odor of narcotics emanating from unit #26.

Detective Radford then applied for and obtained a warrant to search storage unit #26. Upon executing the warrant, investigators found and seized, among other things: (a) **2,097.86 grams of meth**; (b) a Marlin, Model 99-M1, .22 caliber semi-automatic rifle; and (c) a Herbert Schmidt, Model E15, .22 caliber revolver. Investigators also found paperwork with HUGHES' name on it in the storage unit. HUGHES possessed the meth with the intent to distribute it to others. HUGHES was arrested for, among other things, Trafficking Meth, Possession with Intent to Manufacture, Sell or Deliver a Controlled Substance, and Possession of Firearm by Felon.

The total amount of mixture or substance containing a detectable amount of meth known to or reasonably foreseeable to HUGHES was 5,882.69 grams. By his plea, HUGHES also admits that he maintained a premises for the purpose of distributing a controlled substance, including storage of a controlled substance for the purpose of distribution.

DENA J. KING
UNITED STATES ATTORNEY



THOMAS KENT
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Indictment, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Indictment, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.


MARY ELLEN COLEMAN, Attorney for Defendant

DATED: 4/8/22